

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:09CR3098
)	
v.)	
)	
BRANDON ALLEN MAUL,)	MEMORANDUM AND ORDER
)	
Defendant.)	
_____)	

I previously imposed concurrent prison sentences in this case and in 4:08CR 3129. Today, counsel contacted me about my clear error within the meaning of Federal Rule of Criminal Procedure 35(a).

Last Friday, and pursuant to Federal Rule of Criminal Procedure 35(b), I granted the government's motion to reduce the defendant's sentence in 4:08CR3129. I reduced the sentence to time served and imposed the same terms and conditions of supervised release. In so doing, and as I had done previously, I ran the sentence of supervised release concurrently with the term of supervised release in this case. (See filing no. 276 at CM/ECF p. 4 in 4:08CR3129.) However, because the government did not technically file a Rule 35(b) motion in this case, I did not specifically address the prison sentence in this case—that was clearly error on my part.

The government agrees that it intended to file a Rule 35(b) motion in this case. The government and the defendant agree that I should enter judgment in this case reducing the sentence in this case to time served to be followed by the same terms of conditions of supervised release as previously imposed in this case. That, of course, was my intention. Counsel both agree that no further hearing is required. Defense counsel further stated that his client will, upon the entry of judgment, file a statement

acknowledging his awareness of his right to appeal, his right to proceed in forma pauperis on appeal and his right to appointed counsel on appeal. Therefore,

IT IS ORDERED that:

1. The defendant's prison sentence reflected in the earlier judgment in this case (filing no. 23) is reduced to time served to be followed by the same terms and conditions of supervised release as set forth in the earlier judgment in this case.
2. The Clerk shall prepare and submitted to me a judgment and a statement of reasons in this case consistent with the foregoing paragraph and my statement of reasons in 4:08CR3129.
3. Upon entry of the judgment in this case, the defendant shall file an acknowledgment of his right to appeal, his right to proceed in forma pauperis on appeal and his right to appointed counsel on appeal.
4. A copy of this document shall be filed in 4:08CR3129.
5. A copy of this document and, when entered, a copy of the judgment in this case shall be provided to the United States Marshals

DATED this 29th day of May, 2012.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge